

Att. Dkt. No.: 32892.23
USSN: Unassigned
Inventor: Eugenio A. Cefali

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EUGENIO A. CEFALI

Entitled: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia
Having Unique Cmax, Tmax and AUC Biopharmaceutical Characteristics

To the Assistant Commissioner
for Patents
Box Patent Application
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. EH364910166US
Date of Deposit October 31, 1997
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express
Mail Post Office to Addressee" service under
37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for
Patents, Box Patent Application, Washington, D.C. 20231

Type or Print Name A. M. (Andy) Arismendi, Jr.

Signature

Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

Transmitted herewith for filing, please find the following:

- ☒ i. Specification, claims and abstract of the above-referenced patent application having 53 pages.
- ☒ ii. Drawings (____ formal / 5 informal) comprising Figures 1-5.
- ☒ iii. Combined Declaration and Power of Attorneys
(____ signed ☒ unsigned).
- ☒ 3A. No executed Oath, or Declaration, nor is any fee enclosed pursuant to 37 C.F.R. 1.53(d).
- ____ iv. Information Disclosure Statement along with Form PTO-1449 and references.

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X v. This is a: X Continuation-In-Part; _____ Divisional; _____ Continuation;
_____ substitute Application (MPEP 201.09) of Application Serial No.
08/814,974 filed March 6, 1997; _____ reissue of U.S. Patent No. _____ filed
on _____.

An extension to extend the life of the above prior Application to at least the date of filing
hereof

(One box must be marked)

- (a) _____ is concurrently being filed in that prior Application,
(b) _____ was previously filed in that prior Application,
(c) X is not necessary for copendency.

_____ vi. Attached is an assignment to _____. Please return the recorded
assignment to the undersigned.

_____ vii. Priority is claimed under 35 U.S.C. § 119 based on filing in (country).

	<u>Application No.</u>	<u>Filing Date</u>
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____

_____ (No.) Certified copy (copies) _____ are attached; or _____ were previously filed
on _____.

_____ viii. Attached: _____ (No.) verified statement(s) establishing "small entity" status under 37
CFR § 1.9 and 1.27.

X ix. Attached:
X Return Postcard
X Assignment (unsigned)
X Verified Statement (unsigned)

_____ x. Preliminary Amendment:

08962067 403197

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Prior to a first Office Action, kindly amend the Application as follows:

- xi. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

				SMALL ENTITY RATE		LARGE ENTITY RATE			
BASIC FEE				\$ 395.00	<u>OR</u>	\$	=	+\$ 395.00	
	NUMBER FILED			NUMBER EXTRA					
TOTAL CLAIMS	28	-20	=	8 (at least 0)	x 11	<u>OR</u>	x 22	=	+\$ 88.00
INDEP. CLAIMS	8	- 3	=	5 (at least 0)	x 40	<u>OR</u>	x 80	=	+\$ 200.00
If any <u>proper</u> multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a <u>reissue</u> application.)				+\$130	<u>OR</u>	+\$260	=	+\$	
If assignment is x'd (item 6), add recording fee \$40.00								+\$	
Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130								+\$	
TOTAL FILING FEE								=\$ 683.00	

- xii. A check in the amount of \$_____ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447/32892.18.

- xiii. Please charge my Deposit Account No. 10-0447 in the amount of \$_____ to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.

- xiv. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20,

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and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached. The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

By: Peter J. Mahso
Peter J. Mahso
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137: As Am
REG. NO. 31,715

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